

21 C.J.S. Courts § 39

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

II. Jurisdiction of Courts

C. Jurisdiction of Subject Matter or Cause of Action

3. Jurisdiction of Res or Property

§ 39. Minimum contacts with forum required for in rem and quasi in rem jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  17

The same due process limitations of fundamental fairness apply to any exercise by the state of judicial powers so that all purported exercises of jurisdiction, whether in rem or quasi in rem, must be consistent with due process and must be scrutinized and evaluated in light of the minimum contacts standard.

The same due process limitations of fundamental fairness apply to any exercise by the State of judicial powers whether that exercise of jurisdiction is denominated in rem¹ or quasi in rem.² In order to justify the exercise of jurisdiction in rem, the basis for jurisdiction must be sufficient to justify exercising jurisdiction over the interests of persons in the thing and that standard is whether the exercise of jurisdiction over the interests of persons is consistent with the minimum contacts standard required by the Due Process Clause of the United States Constitution.³ When the subject matter of the controversy is property located in the state, the constitutional requisites

for jurisdiction will generally be met, as a significant tie then develops between the defendant, the State, and the litigation.⁴

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1

U.S.—*Shaffer v. Heitner*, 433 U.S. 186, 97 S. Ct. 2569, 53 L. Ed. 2d 683 (1977); *Harrods Ltd. v. Sixty Internet Domain Names*, 302 F.3d 214, 53 Fed. R. Serv. 3d 955 (4th Cir. 2002).

Minn.—*John Ward Gillman Engraved June 20, 1775 Copper Printing Plate v. Heritage Auctions, Inc.*, 806 N.W.2d 861 (Minn. Ct. App. 2011), *aff'd in part, rev'd in part on other grounds and remanded*, 2013 WL 490968 (Minn. Ct. App. 2013).

N.C.—*Coastland Corp. v. North Carolina Wildlife Resources Com'n*, 134 N.C. App. 343, 517 S.E.2d 661 (1999).

Pa.—*Com. v. Perez*, 941 A.2d 778 (Pa. Commw. Ct. 2008).

Tex.—*HMS Aviation v. Layale Enterprises, S.A.*, 149 S.W.3d 182 (Tex. App. Fort Worth 2004).
- 2

U.S.—*Harrods Ltd. v. Sixty Internet Domain Names*, 302 F.3d 214, 53 Fed. R. Serv. 3d 955 (4th Cir. 2002); *Viacom Intern., Inc. v. Melvin Simon Productions, Inc.*, 774 F. Supp. 858 (S.D. N.Y. 1991) (applying New York law).

Ariz.—*State v. Western Union Financial Services, Inc.*, 220 Ariz. 567, 208 P.3d 218 (2009).

La.—*Higley v. Higley*, 658 So. 2d 42 (La. Ct. App. 4th Cir. 1995), *writ denied*, 663 So. 2d 732 (La. 1995).

N.H.—*Continental Biomass Industries, Inc. v. Environmental Machinery Co.*, 152 N.H. 325, 876 A.2d 247 (2005).

N.Y.—*Silvestre v. De Loaiza*, 12 Misc. 3d 492, 820 N.Y.S.2d 440 (Sup 2006).

N.C.—*Credit Union Auto Buying Service, Inc. v. Burkshire Properties Group Corp.*, 776 S.E.2d 737 (N.C. Ct. App. 2015).
- 3

U.S.—*Shaffer v. Heitner*, 433 U.S. 186, 97 S. Ct. 2569, 53 L. Ed. 2d 683 (1977).

Pa.—*Com. v. Perez*, 941 A.2d 778 (Pa. Commw. Ct. 2008).

Tex.—*HMS Aviation v. Layale Enterprises, S.A.*, 149 S.W.3d 182 (Tex. App. Fort Worth 2004).

As to due process requirements of minimum contacts for purposes of personal jurisdiction, generally, see § 46.
- 4

N.C.—*Ellison v. Ellison*, 776 S.E.2d 522 (N.C. Ct. App. 2015).